THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.3301 OF 2006

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Dated: 23-02-2006

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Between

Rajendra Kumar,

S/o. Satyanarayana,

Occ: Business,

R/o. H.No.21-2-735,

Rikabgunj, Hyderabad.

...PETITIONER

AND

The Commissioner,

Municipal Corporation

of Hyderabad, Lower

Tank Bund, Hyderabad

and another.

...RESPONDENTS

ORDER:

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Petitioner seeks a Writ of Mandamus to declare the action of the respondent corporation in trying to demolish the premises No.22-2-256, Kalikaman, Hyderabad without following due process of law as illegal and arbitrary.

Learned counsel for the petitioner submits that the petitioner is the tenant of the premises

No.22-5-256, Kalikaman, Hyderabad and the second respondent is the landlord. While so, the respondent corporation is trying to demolish the said premises for the purpose of widening the road without following due process of law. He further submits that the second respondent, owner of the said premises, is not interested in taking any steps to protest against the said demolition of the premises.

No doubt the owner alone is entitled to protest or for compensation for the land or structures acquired by the authorities and tenant has no right with regard to the land and structures, but he being an interested person he is also entitled to be given a notice before demolishing or taking away any portion of the said premises.

Accordingly, the respondents are directed to follow due procedure prescribed in law either under Section 146 or 147 of the Hyderabad Municipal Corporations Act, 1955, and take appropriate action in accordance with law.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

February 23, 2006

DSK